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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/526,990	03/07/2005	Shridhar Mubaraq Mishra	1890-0213	6999
50255 7590 04/26/2010 MAGINOT, MOOR & BECK 111 MONUMENT CIRCLE, SUITE 3000 BANK ONE CENTER/TOWER INDIANAPOLIS, IN 46204			EXAMINER RUTKOWSKI, JEFFREY M	
			ART UNIT 2473	PAPER NUMBER
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/526,990	Applicant(s) MISHRA ET AL.	
	Examiner JEFFREY M. RUTKOWSKI	Art Unit 2473	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 January 2010.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 8-17 and 19-29 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 8-17 and 19-29 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim 1-7 and 18 have been cancelled.

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

3. **Claims 8, 11, 16-17, 19** are rejected under 35 U.S.C. 103(a) as being unpatentable over Ting et al. (US Pat 7,145,866), hereinafter referred to as Ting, in view of Moran et al. (US Pg Pub 2002/0071398), hereinafter referred to as Moran, and Takeuchi et al. (US Pat 5,233,603), hereinafter referred to as Takeuchi.

4. For **claims 8 and 17**, Ting discloses *a plurality of Media Access Control (MAC) interfaces (NIC 134; see figure 1) configured to receive/transmit Fast Ethernet (FE) packets (see col. 4 lines 15-16); at least one MAC interface (NIC 134) configured to receive/transmit Gigabit Ethernet (GE) packets in a first mode of operation* (Ting suggests this feature because NIC 134 can have 10 Fast Ethernet device ports 136 that can be link aggregated via being assigned the

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same MAC address; see col. 1 lines 44-46 and col. 4 lines 12-16, 41-45) *and to receive/transmit FE packets in a second mode of operation* (if the device ports **136** are not link aggregated, the ports function as FE ports; see col. 4 lines 12-16); *and wherein the ingress/egress port* (network interface **120**; see figure 1) *operates as a single GE port in the first mode of operation using the at least one MAC interface to transmit and receive GE packets* (since link aggregated device ports **136** share the same MAC address, the aggregated ports of the NIC **134** function as a single port; see col. 1 lines 44-46) *and as more a plurality of FE ports in the second mode of operation using the plurality and the at least one MAC interface to transmit and receive FE packets* (when the device ports **136** are not link aggregated, each device port **136** functions as a separate FE port; see col. 4 lines 12-16).

5. Ting discloses memory **108** and a storage interface **108** that are connected to *all the MAC interfaces* (NIC **134**) via network interface **120** and CPU **110** respectively (see figure 1). Ting does not disclose these memories as being transmit and receive memories. Moran discloses *receive* (receive store **30** allocated in memory **14**; see paragraph 0032) *and transmit modules* (transmit store **29** allocated in memory **14**; see paragraph 0032) *which are configured respectively to receive both GE and FE packets from, and transmit both GE and FE packets to, all the MAC interfaces* (figure 1 shows a bus is used to send and receive information between memory **14** and all the MAC interfaces **14**) *and wherein each MAC interface is associated with a separate buffer configured to store packets as they are received at the respective MAC interface* (see paragraph 0032). It would have been obvious to a person of ordinary skill in the art at the time of the invention to use Moran's arrangement in Ting's invention to control the amount of bandwidth for a port (Moran, title).

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6. The combination of Ting and Moran discloses the use of a receive module. The combination does not disclose how packets are read from the memory **14** (see figure 1 of Moran). Takeuchi discloses *the receive module* (buffer units **2501-250N**; see figure 4) *being arranged to receive packets from the respective buffers sequentially* (the buffer units **2501-250N** sequentially receives packet from input buffers **1401** to **140N** sequentially; see col. 6 lines 9-11). It would have been obvious to a person of ordinary skill in the art at the time of the invention to use Takeuchi's arrangement in Ting's invention to multiplex the received information (Takeuchi, col. 6 lines 9-11).

7. For **claim 11**, Ting discloses the use of *FE packets* (see col. 4 lines 12-16). Ting does not disclose the sequential reception of packets. Takeuchi suggests *the receive module receives the FE packets sequentially even if FE packets actually reach different ones of the MAC interfaces simultaneously* (the packets are read from the input buffers **1401** to **140N** in a cyclical manner; see col. 6 lines 5-11). It would have been obvious to a person of ordinary skill in the art at the time of the invention to use Takeuchi's arrangement in Ting's invention to multiplex the received information (Takeuchi, col. 6 lines 9-11).

8. For **claim 16**, Ting discloses *wherein the plurality of MAC interfaces consists of 8 MAC interfaces* (see col. 4 lines 12-16).

9. For **claim 19**, Ting suggests *wherein the at least one ingress/egress port* (network interface **120**) *comprises eight ingress/egress ports* (see col. 4 lines 12-16), *each ingress/egress port being configured to switch between a first mode* (link aggregated) *and a second mode* (not link aggregated), *in which each ingress/egress port operates as a single GE port in the first mode and as eight FE ports in the second mode and wherein the switch can operate as n GE ports*

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(when the device ports **136** are not link aggregated, each device port **136** functions as a separate FE port; see col. 4 lines 12-16) *and 8(8-n) FE ports for n a selectable integer in the range 0 and 8* (any number of device ports can be used; see col. 4 lines 12-16).

10. **Claims 9-10** are rejected under 35 U.S.C. 103(a) as being unpatentable over Ting in view of Moran and Takeuchi as applied to **claim 8** above, and further in view of Tzeng et al. (US Pg Pub 2003/0212815), hereinafter referred to as Tzeng.

11. For **claim 9**, the combination of Ting, Moran and Takeuchi discloses *MAC interfaces* that can operate at both Fast Ethernet and Gigabit speeds (see paragraph 0003 of Moran). The combination of Ting, Moran and Takeuchi does not disclose a particular arrangement for the MAC interfaces. Tzeng discloses *only one of the MAC interfaces is configured to receive/transmit both GE and FE packets* (GMAC/MAC **101**; see figure 1), *the other MAC interfaces only being adapted to receive/transmit FE packets* (MAC **106**; see figure 1). It would have been obvious to a person of ordinary skill in the art at the time of the invention to use Tzeng's arrangement in Ting's invention to provide a switch that can be connected to many different types of network media (Tzeng, paragraph 0021).

12. For **claim 10**, Ting discloses the use of *FE packets* (see col. 4 lines 12-16). Ting does not disclose the sequential reception of packets. Takeuchi suggests *the receive module receives the FE packets sequentially even if FE packets actually reach different ones of the MAC interfaces simultaneously* (the packets are read from the input buffers **1401** to **140N** in a cyclical manner; see col. 6 lines 5-11). It would have been obvious to a person of ordinary skill in the art at the time of the invention to use Takeuchi's arrangement in Ting's invention to multiplex the received information (Takeuchi, col. 6 lines 9-11).

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13. **Claims 12 and 20** are rejected under 35 U.S.C. 103(a) as being unpatentable over Ting in view of Moran and Takeuchi as applied to **claim 8** above, and further in view of Gentry, Jr. (US Pat 6,356,951), hereinafter referred to as Gentry.

14. For **claims 12 and 20**, the combination of Ting, Moran and Takeuchi, discloses *the receive module further includes a memory configured to store packet data* (Moran, paragraph 0032).

15. The combination of Ting, Moran and Takeuchi do not teach the use of a receiver that interfaces with a parser. Gentry discloses an input port processing module **104** interfaces with a header parser **106** [figure 1A]. The header parser **106** parses only the header (descriptor) portion of the packets [col. 7 lines 50-55] (a receiver interface configured to extract header data from the packet data and generate a descriptor therefrom, the descriptor associated with the packet data within the receive module). It would have been obvious to a person of ordinary skill in the art at the time of the invention to use a receiver interface in Ting's invention to identify related packets [Gentry, col. 7 line 53].

16. **Claims 13-15 and 21-23** are rejected under 35 U.S.C. 103(a) as being unpatentable over Ting in view of Moran, Takeuchi and Gentry as applied to **claim 12 and 20** above, and further in view of Di Placido (US Pat 6,226,292).

17. For **claims 13, 15, 21, 23**, the combination of Ting, Moran, Takeuchi and Gentry teach a receiver interface for fetching data the header parser **106** copies header information (descriptor) from input port processing module **104** into a header memory **302** [Gentry, col. 17 lines 8-9 and figure 3] (claim 13: wherein the receiver interface is further configured to fetch packet data from the set of buffers and store the packet data in the memory; claim 15: wherein the receiver

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interface is further configured to store the descriptor associated with the packet data in the memory).

18. Ting teaches the use of a buffer to receive information [**col. 3 lines 35-41**]. The combination of Ting, Moran, Takeuchi and Gentry do not disclose the use of more than one receive buffers (set of buffers). Di Placido teaches a switch arrangement that contains more than one set of receive buffers **20 [figure 2]**. It would have been obvious to a person of ordinary skill in the art to use a set of buffers in Ting's invention to manage memory space by a particular buffer to a particular MAC interface [**Di Placido, col. 4 lines 62-65**].

19. For **claims 14 and 22**, Ting discloses the use of a receive buffers. Ting does not disclose the use of FIFO buffers. Takeuchi teaches the use of First-In-First-Out (FIFO) buffers to receive information [**see col. 8 lines 5-15**]. It would have been obvious to a person of ordinary skill in the art at the time of the invention to use Takeuchi's arrangement in Ting's invention to use a buffer structure that is available in the marketplace (Takeuchi, col. 8 lines 5-15).

20. **Claims 24-25 and 28-29** is rejected under 35 U.S.C. 103(a) as being unpatentable over Ting in view of Moran.

21. For **claims 24-25, 28 and 29**, Ting discloses *a plurality of Media Access Control (MAC) interfaces (NIC 134; see figure 1) configured to receive/transmit Fast Ethernet (FE) packets* (see col. 4 lines 15-16); *at least one MAC interface (NIC 134) configured to receive/transmit Gigabit Ethernet (GE) packets in a first mode of operation* (Ting suggests this feature because NIC **134** can have 10 Fast Ethernet device ports **136** that can be link aggregated via being assigned the same MAC address; see col. 1 lines 44-46 and col. 4 lines 12-16, 41-45) *and to receive/transmit FE packets in a second mode of operation* (if the device ports **136** are not link aggregated, the

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ports function as FE ports; see col. 4 lines 12-16); *and wherein the ingress/egress port (network interface 120; see figure 1) operates as a single GE port in the first mode of operation using the at least one MAC interface to transmit and receive GE packets* (since link aggregated device ports 136 share the same MAC address, the aggregated ports of the NIC 134 function as a single port; see col. 1 lines 44-46) *and as more a plurality of FE ports in the second mode of operation using the plurality and the at least one MAC interface to transmit and receive FE packets* (when the device ports 136 are not link aggregated, each device port 136 functions as a separate FE port; see col. 4 lines 12-16).

22. Ting discloses memory 108 and a storage interface 108 that are connected to *all the MAC interfaces* (NIC 134) via network interface 120 and CPU 110 respectively (see figure 1). Ting does not disclose these memories as being transmit and receive memories. Moran discloses *receive* (receive store 30 allocated in memory 14; see paragraph 0032) *and transmit modules* (transmit store 29 allocated in memory 14; see paragraph 0032) *which are configured respectively to receive both GE and FE packets from, and transmit both GE and FE packets to, all the MAC interfaces* (figure 1 shows a bus is used to send and receive information between memory 14 and all the MAC interfaces 14). It would have been obvious to a person of ordinary skill in the art at the time of the invention to use Moran's arrangement in Ting's invention to control the amount of bandwidth for a port (Moran, title).

23. Specifically for **claim 24**, Ting discloses memory 108 and a storage interface 108 that are connected to *all the MAC interfaces* (NIC 134) via network interface 120 and CPU 110 respectively (see figure 1). Ting does not disclose associating separate buffers with respective MAC interfaces. Moran discloses *storing the data packets in buffers associated with the*

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plurality of MAC interfaces, each MAC interface being associated with a separate buffer (see paragraph 0032). It would have been obvious to a person of ordinary skill in the art at the time of the invention to use Moran's arrangement in Ting's invention to control the amount of bandwidth for a port (Moran, title).

24. Specifically for **claim 29**, Ting discloses *a switch* (trunk configuration routine **144**) *configured to switch the ingress/egress port between a first mode and a second mode of operation for the ingress/egress port* (the trunk configuration routine **144** switches the modes of the ports by assigning the same MAC address to ports that belong to a trunk; see col. 8 lines 50-55).

25. For **claim 25**, Ting suggests *providing a control signal to determine whether the MAC interfaces operate as FE interfaces or whether the at least one interface operates as a GE interface* (trunk configuration routine **144** sets the MAC addresses of the network device ports **136** to the MAC address of the trunk, when link aggregation is to be performed; see col. 8 lines 50-55).

26. **Claim 26-27** is rejected under 35 U.S.C. 103(a) as being unpatentable over Ting in view of Moran and Takeuchi as applied to **claims 25 and 24 respectively** above, and further in view of Tzeng.

27. For **claims 26 and 27**, the combination of Ting, Moran and Takeuchi discloses *MAC interfaces* that can operate at both Fast Ethernet and Gigabit speeds (see paragraph 0003 of Moran). The combination of Ting, Moran and Takeuchi does not disclose a particular arrangement for the MAC interfaces. Tzeng discloses *only one of the MAC interfaces is configured to receive/transmit both GE and FE packets* (GMAC/MAC **101**; see figure 1), *the*

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other MAC interfaces only being adapted to receive/transmit FE packets (MAC 106; see figure 1). It would have been obvious to a person of ordinary skill in the art at the time of the invention to use Tzeng's arrangement in Ting's invention to provide a switch that can be connected to many different types of network media (Tzeng, paragraph 0021).

Response to Arguments

28. The arguments with respect to the cited prior art not disclosing or suggesting associating each MAC interface with a separate buffer are not persuasive. According to Moran, each transmit 29 and receive 30 store is associated with a MAC for a particular port (see paragraph 0032).

29. The arguments with respect to none of the cited prior art disclosing a single port associated with multiple MAC interfaces are not persuasive. As cited above, Ting discloses a single port (network interface) that is associated with multiple MAC interfaces (see figure 1).

30. The arguments with respect to Ting not disclosing or suggesting that a NIC may operate as a either 8 FE ports or a single GE port are not persuasive because this feature is not required by the claims.

31. Applicant's arguments filed 01/20/2010 have been fully considered but they are not persuasive, for the reasons stated above.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to JEFFREY M. RUTKOWSKI whose telephone number is (571)270-1215. The examiner can normally be reached on Monday - Friday 7:30-5:00 PM EST.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kwang Yao can be reached on (571) 272-3182. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Jeffrey M Rutkowski/
Examiner, Art Unit 2473

/KWANG B. YAO/
Supervisory Patent Examiner, Art Unit 2473